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Superior Court of California
County of Los Angeles

1 MICHAEL N. FEUER, City Attorney, SBN 111529

2 MARY CLARE MOLIDOR, Chief, Criminal & Special Lit. Branch, SBN 82404

3 JONATHAN CRISTALL, Supervising Assistant City Attorney, SBN 191935 APR 09 2015

4 JEANNE KIM, Deputy City Attorney, SBN 173795

5 200 North Main Street, Room 966

6 Los Angeles, California 90012

Phone: (213) 978-4090

Fax: (213) 978-8717

Email: jeanne.kim@lacity.org

Sherri R. Carter, Executive Officer/Clerk
By Myrna Beltran, Deputy

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7 Attorneys for Plaintiff

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES, CENTRAL DISTRICT

10 BC 5 7 8 2 6 1

11 THE PEOPLE OF THE STATE OF CALIFORNIA,) CASE NO.

12 Plaintiff,)) COMPLAINT FOR ABATEMENT AND
13 vs.)) INJUNCTION

14) [HEALTH & SAFETY CODE SECTION
15 TAMARA J. BROWN-SIEMU, aka TAMARA)) 11570, *ET SEQ.*; CIVIL CODE SECTION
16 JEAN BROWN, an individual; CHARLENE)) 3479, *ET SEQ.*]
17 DAVIS, aka JOYCE ANN BROWN, an individual;) [Unlimited Action]
and DOES 1 through 50, inclusive,)
18 Defendants.)
19)
20)

21 PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, allege as follows:

22 I. INTRODUCTION

23 1. This action ("Action") is brought and prosecuted by Plaintiff, the People of the
24 State of California ("People"), for the purpose of abating, preventing and enjoining a public
25 nuisance that exists at 8704 Wadsworth Avenue, Los Angeles, California 90002 ("Property").
26 The Action is brought pursuant to California Health and Safety Code section 11570, *et seq.*
27 ("Narcotics Abatement Act") and California Civil Code section 3479 – 3480 ("Public Nuisance
28 Law").

2. Set in a modest neighborhood where the presence of children playing in their front yards or walking to and from school is constant, the Property is a den that draws frequent pedestrian and vehicular traffic of those wanting to use, buy, and sell drugs. Within 700 feet from the Property, are five places of worship that serve the local community.¹ The Property is located in the midst of an area claimed by the 89 Family Swan Bloods (“Swan Bloods”) criminal street gang as its turf. The Swan Bloods supply the Property with narcotics and collect revenue from the narcotic sales that take place at the Property. The Property generates a lawless environment that threatens the persons living in and visiting the neighborhood.

3. This Action arises from citizen complaints of narcotics and nuisance activities occurring at and immediately around the Property. The Property is reputed to be a "crack house" controlled by the Swan Bloods, where the sale and use of cocaine takes place on an open and continuous basis by those who reside or "hang out" at the Property. From an exact date unknown but since at least January of 2013, the Los Angeles Police Department ("LAPD") began receiving community complaints concerning continuous narcotics and other unlawful activity occurring at the Property. Since January 2013, but concentrated mostly in the last three months, there have been two search warrants executed at the Property, eight documented narcotics transactions and 13 arrests connected to the Property, that is the subject of this lawsuit. At the time of this writing, the Property continues to attract individuals wanting to sell, buy, and use narcotics.

II. GENERAL ALLEGATIONS

A. Plaintiff

4. Plaintiff, the People of the State of California (“Plaintiff” or “People”), acting through the prosecutors in the Los Angeles City Attorney’s Office, brings the first cause of action pursuant to the authority granted by the California Health and Safety Code section

¹ These churches are: Welcome Baptist Church at 8615 S. Central Ave.; Bethel Unspeakable Joy at 8724 S. Central Ave; First Antioch Baptist Church at 8725 S. Central Ave.; Lily Grove Full Gospel Church at 8823 S. Central Ave.; and Challenge of Faith Church at 1001 E. Manchester Ave.

1 11571 to enforce the Narcotics Abatement Act, and the second cause of action pursuant to the
2 authority granted by the California Code of Civil Procedure section 731 to enforce the Public
3 Nuisance Law.

4 **B. Defendants**

5 5. According to public records, the Property is owned by Billie Jean McWilliams
6 ("McWilliams"), also known as Billie Jean Brown. However, according to a public records
7 search, McWilliams died on August 11, 2005, and there is neither an estate nor a pending
8 probate action. Plaintiff is informed and believes and thereon alleges that there are two
9 relations to McWilliams, TAMARA J. BROWN-SIEMU ("BROWN-SIEMU") and CHARLENE
10 DAVIS ("DAVIS") who have been and continue to be closely and directly connected to the
11 Property.

12 6. **Defendant Tamara J. Brown-Siemu.** According to McWilliams' recorded death
13 certificate, BROWN-SIEMU, is McWilliams' daughter. At all times mentioned herein,
14 Defendant BROWN-SIEMU has owned, occupied, controlled and/or operated the Property,
15 and/or has acted in the capacity of owner and/or lessor of the Property. Plaintiff is informed
16 and believes and thereon alleges that BROWN-SIEMU collects rents from tenants at the
17 Property, has paid county property taxes, and has directly or indirectly permitted individuals to
18 rent and/or live at and/or visit the Property and/or use it for illegal and unlawful purposes,
19 including narcotics trafficking and firearm possession by a felon. Plaintiff is informed and
20 believes and thereon alleges that Defendant BROWN-SIEMU, by facilitating and/or
21 participating in the drug sales, drug distribution, and drug usage at the Property, and by
22 creating and/or contributing to an unsafe atmosphere throughout the entire neighborhood, is
23 directly and/or indirectly responsible for conducting and maintaining the nuisance as alleged
24 herein, thereby violating the Narcotics Abatement Act and Public Nuisance Law.

25 7. **Defendant Charlene Davis.** Plaintiff is informed and believes and thereon
26 alleges that Defendant DAVIS is a relative of the late McWilliams and has been an occupant
27 and/or tenant of the Property since November of 2012. Moreover, Plaintiff is informed and
28 believes and thereon alleges that, since November of 2012, Defendant DAVIS has opened

1 public utility accounts at the Property. During a recent law enforcement investigation at the
2 Property, Defendant DAVIS reported to officers that she owns the Property. Defendant DAVIS
3 has 16 prior convictions, seven felonies and nine misdemeanors; her most recent convictions
4 occurred in November of 2010 for felony possession of a controlled substance for sale, a
5 violation of Health and Safety Code section 11351.5, and illegal possession of ammunition, a
6 violation of Penal Code section 12316(B)(1). At all times mentioned herein, Defendant DAVIS
7 has acted in the capacity of owner and/or occupant of the Property. Plaintiff is informed and
8 believes and thereon alleges that Defendant DAVIS by directly or indirectly permitting,
9 facilitating and/or participating in the drug sales, drug distribution, and drug usage at the
10 Property, and by creating and/or contributing to an unsafe atmosphere throughout the entire
11 neighborhood, is directly and/or indirectly responsible for conducting and maintaining the
12 nuisance as alleged herein, thereby violating the Narcotics Abatement Act and Public
13 Nuisance Law.

14 8. Plaintiff is ignorant of the true names and capacities of Defendant DOES 1
15 through 50, inclusive, and as such sues these Defendants by such fictitious names pursuant to
16 Section 474 of the California Code of Civil Procedure. Plaintiff alleges on information and
17 belief that each such Defendant is responsible in some manner for conducting, maintaining, or
18 directly or indirectly permitting the nuisance complained of herein. When the true names and
19 capacities of said Defendants have been ascertained, Plaintiff will ask leave of the Court to
20 amend this complaint and to insert in lieu of such fictitious names the true names and
21 capacities of any fictitiously named Defendants.

22 9. Plaintiff is informed and believes, and thereon alleges, that at all times herein
23 mentioned, Defendants BROWN-SIEMU, DAVIS, and DOES 1 through 50, had or should have
24 had knowledge of the nuisance and unlawful acts herein complained of, have wholly failed to
25 abate the same, and have directly or indirectly maintained or permitted the nuisance described
26 herein. At all relevant times mentioned herein, Defendants BROWN-SIEMU and DAVIS and
27 all Defendants sued as DOE Defendants were and are agents, lessors, lessees, servants,
28 employees, partners and/or joint venturers of each other, and at all times were acting within

1 the course and scope of said relationship and with the consent of each of their co-Defendants.

2 **C. The Property**

3 10. The Property includes an approximately 1,300 square foot single family
4 residence commonly known as 8704 Wadsworth Avenue, Los Angeles, California 90002, and
5 is more specifically described as: "Lot 405 of Tract No. 6631, as per Map recorded in Book 71,
6 Pages 50 and 51 of Maps, in the Office of the County Recorder of Los Angeles County."
7 Assessor's Parcel Number 6042-024-017.

8 **III. THE 89 FAMILY SWAN BLOODS CRIMINAL STREET GANG**

9 11. The Swan Bloods gang is one of several Bloods gangs that have claimed part of
10 South Los Angeles as their "turf." The word "Swan" is an acronym for "Sick Wicked Ass
11 Niggas." The gang is turf-based and heavily involved in narcotics and firearms trafficking, as
12 well as violent crimes, including murders, shootings, assaults, robberies, and burglaries.

13 12. The Swan Bloods gang is about 450-members strong and is comprised of six
14 sets. Collectively, the Swan Bloods claim as its turf various sections in and around South Los
15 Angeles in several large areas within the general boundaries of the 110 Freeway to the West,
16 Central Avenue to the East, Florence Avenue to the North, and Manchester Avenue to the
17 South. Each set of the Swan Bloods is based on a street located within Swan Bloods turf, and
18 claims its own section of turf within the greater Swan Bloods turf. The set at issue here, 89
19 Swan Bloods, is centered at 89th Street. The Property is in 89 Swan Bloods turf.

20 13. Although there are a number of Swan Bloods sets, Swan Bloods gang members
21 of all sets frequently join forces to uphold the gang's reputation, to control their turf, and to
22 protect Swan Bloods' drug trade. During the mid-1980s, the Swan Bloods gang was hired to
23 work full-time selling cocaine in their neighborhoods, and was given sophisticated assault
24 weapons (UZIs, AK-47s, and Tech-9s) to protect its product from all outsiders. The Swan
25 Bloods' narcotic trade continues to thrive and its access to weapons is evident.

26 14. Many Swan Bloods gang members have gang tattoos to display their allegiance
27 to the gang and to visually communicate the gang's presence. Common Swan Bloods gang
28 tattoos include "FSB", "S," "SWAN," an illustration of a swan, and the number of a particular

1 Swan Bloods set, i.e. 89 or 77. The Swan Bloods gang members not only proudly display their
2 gang allegiance with body tattoos, but also “tag” or spray gang graffiti throughout their turf and
3 in rival gang turf to broadcast Swan Bloods control and dominance to their rivals and to the
4 surrounding residents.

5 15. While the Swan Bloods gang has strong alliances with other Blood gangs, it also
6 has bitter rivalries with a number of other criminal street gangs, including the East Coast Crips,
7 Avalon Garden Gangster Crips, 87th Street Gangster Crips, Rollin 60s, Rollin 40s, 7-Trey
8 Hustlers/Gangster Crips, 8-Trey Gangster Crips, Kitchen Crips, and all Crips gangs.

9 IV. NARCOTICS ABATEMENT ACT

10 16. The abatement of a nuisance is a long established and well recognized exercise
11 of the state’s police power. (*People v. Barbiere* (1917) 33 Cal.App. 770, 775; *People ex rel.*
12 *Hicks v. Sarong Gals* (1974) 42 Cal.App.3d 556, 563.) Since its enactment in 1972, the
13 principal purpose of the Narcotics Abatement Act (Health & Saf. Code, § 11570 et seq.) is the
14 abatement of buildings and places “used for the purpose of unlawfully selling, serving, storing,
15 keeping, manufacturing, or giving away any controlled substance, precursor, or analog
16 specified in this division . . . ” (Health & Saf. Code, § 11570).

17 17. The Narcotics Abatement Act provides that every building or place used for the
18 purpose of unlawfully selling, serving, storing, keeping, manufacturing, or giving away any
19 controlled substance, precursor, or analog *inter alia*, “is a nuisance which **shall** be enjoined,
20 abated, and prevented . . . whether it is a public or private nuisance.” (Health & Saf. Code, §
21 11570 [emphasis added].)

22 18. Health and Safety Code section 11571 authorizes a city attorney to bring an
23 action to abate, prevent and perpetually enjoin such nuisances. It provides in relevant part: “If
24 there is reason to believe that a nuisance as described in Section 11570 is kept, maintained, or
25 exists in any county, the district attorney or county counsel of the county, or the city attorney of
26 any incorporated city or of any city and county, in the name of the people, may . . . maintain an
27 action to abate and prevent the nuisance and to perpetually enjoin the person conducting or
28 maintaining it, and the owner, lessee, or agent of the building or place in or upon which the

nuisance exists from directly or indirectly maintaining or permitting the nuisance.”

19. Health and Safety Code section 11573(a) provides that: "If the existence of the nuisance is shown in the action to the satisfaction of the court or judge, either by verified complaint or affidavit, the court or judge **shall** allow a temporary restraining order or injunction to abate and prevent the continuance or recurrence of the nuisance." (Emphasis added.)

20. In addition, Health and Safety Code section 11581 provides, as an additional remedy, for the removal and sale of all fixtures and movable property on the premises used in aiding or abetting the nuisance and for the closure of the building for one year.

V. PUBLIC NUISANCE LAW

21. Civil Code section 3479 defines a public nuisance as “[a]nything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any . . . public park, square, street, or highway....” (See *City of Bakersfield v. Miller* (1966) 64 Cal.2d 93, 99 [“The Legislature has defined in general terms the word ‘nuisance’ in Civil Code section 3479. . . .”].)

22. Civil Code section 3480 defines a public nuisance as “one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.”

23. Civil Code section 3491 provides for the methods by which public nuisances such as those alleged herein may be abated. Civil Code section 3491 states that the "remedies against a public nuisance are: 1. Indictment or information; 2. A civil action; or, 3. abatement." Abatement is "accomplished by a court of equity by means of an injunction proper and suitable to the facts of each case." (*Sullivan v. Royer* (1887) 72 Cal. 248, 249; see also *People v. Selby Smelting and Lead Co.* (1912) 163 Cal. 84, 90 ["]In California, the rule is well established that in proper cases injunctive relief which accomplishes the purposes of abatement without its harsh features is permissible."].)

III

1 24. Code of Civil Procedure section 731 authorizes a city attorney to bring an action
2 to enjoin or abate a public nuisance. It provides, in relevant part, "[a] civil action may be
3 brought in the name of the people of the State of California to abate a public nuisance . . . by
4 the city attorney of any town or city in which such nuisance exists."

5 25. Where "a building or other property is so used as to make it a nuisance under the
6 statute, the nuisance may be abated . . . , notwithstanding that the owner had no knowledge
7 that it was used for the unlawful purpose constituting a nuisance." (*People ex rel. Bradford v.*
8 *Barbiere* (1917) 33 Cal.App. 770, 779; see also *Sturges v. Charles L. Harney, Inc.* (1958) 165
9 Cal.App.2d 306, 318 ["a nuisance and liability therefore may exist without negligence"]; *People*
10 *v. McCadden* (1920) 48 Cal.App. 790, 792 ["A judgment supported on findings that such
11 nuisance was conducted and maintained on the premises in question, regardless of the
12 knowledge of the owner thereof, is sufficient. Such knowledge on the part of the owner . . . is
13 unnecessary."]; *People v. Peterson* (1920) 45 Cal.App. 457, 460 ["[I]t was not necessary . . .
14 for the trial court to find either, that the [defendants] threatened, and unless restrained, would
15 continue to maintain, aid, and abet, the nuisance, or that they knew the building was used in
16 violation of the act. . . . The existence of the nuisance was the ultimate fact in this case, and
17 having been found, supports the judgment."].) This is because "the object of the act is not to
18 punish; its purpose is to effect a reformation of the property itself." (*People v. Bayside Land*
19 *Co.* (1920) 48 Cal.App. 257, 261.)

20 26. The conduct and activities of a territorial street gang and its members can
21 constitute a public nuisance that may be abated via injunction. (*People v. Acuna* (1997) 14
22 Cal.4th 1090, 1104-1105). Indeed, it is incumbent upon public entities to take such action to
23 maintain an ordered society. "Preserving the peace is the first duty of government, and it is for
24 the protection of the community from the predations of the idle, the contentious, and the brutal
25 that government was invented." (*Id.* at p. 1126.)

26 ///

27 ///

28 ///

1 **VI. FIRST CAUSE OF ACTION FOR NARCOTICS ABATEMENT**

2 **[Health and Safety Code section 11570, et seq.**

3 **Against All Defendants and DOES 1 through 50]**

4 27. Plaintiff incorporates by reference paragraphs 1 through 26 of this Complaint and
5 makes them part of the First Cause of Action as though fully set forth herein.

6 28. On a continuous and ongoing basis, from an exact date unknown, but at least
7 since January 1, 2015 until the present time, Defendants BROWN-SIEMU, DAVIS and DOES
8 1 through 50 have operated, maintained, permitted and/or used the Property for the purposes
9 of unlawfully selling, serving, storing, keeping, manufacturing and/or giving away controlled
10 substances in violation of Health and Safety Code section 11570, et seq.

11 29. The general reputation of the Property in the community is that it is a gang
12 controlled location where the storage and sale of cocaine takes place on a regular basis by or
13 on behalf of Swan Bloods gang members and/or associates, which serves to reinforce the
14 gang's hold on the drug trade in and around the area they claim as their turf.

15 30. In the first two months of this year, there have been at least nine documented
16 narcotics-related arrests, incidents, or undercover narcotics purchases at or directly related to
17 the Property. The following is a summary of this activity:

18 31. On January 1, 2015, LAPD officers from the Southeast Narcotics Enforcement
19 Detail ("NED") were monitoring the Property, reputed to be a narcotics location, when they
20 observed an individual approach the Property and enter it from an open gate on the west side
21 of the Property. The individual walked along the front of the house on the Property, and then
22 approached a side door on the east side of the house. The individual entered the house from
23 the side door and remained inside for a few minutes before leaving the house and walking off
24 the Property. As officers continued to monitor the location, they observed four separate
25 individuals approach the Property, enter the house on the Property, and remain inside for a
26 brief time before leaving. Officers then observed Leo Ratliff ("Ratliff") approach the Property
27 and enter the house on the Property for a brief time before leaving. Ratliff walked away on
28 Wadsworth Avenue and continued towards the alley behind the Property. Once in the alley,

1 Ratliff was joined by Vickie Lee ("Lee"), and they sat down on a mattress. Identifying
2 themselves as "police," officers contacted both Ratliff and Lee, and, aided by a flashlight,
3 observed Lee drop cocaine base on the mattress between her and Ratliff. Lee was
4 immediately ordered to stand up and was placed into custody. As officers continued to
5 illuminate the scene with a flashlight, Ratliff was ordered to raise his hand ups. As Ratliff
6 complied, he opened his left hand and dropped a small, torn piece of a clear plastic bag
7 containing cocaine base in between his legs. Officers recovered both pieces of cocaine base
8 dropped by Lee and Ratliff. Lee and Ratliff were placed under arrest for possession of cocaine
9 base, a violation of Health and Safety Code section 11350(a).

10 32. On January 5, 2015, Southeast LAPD NED officers observed an individual
11 approach and enter the front yard of the Property from an open pedestrian gate on the west
12 side of the Property. The individual walked towards a side door on the east side of the house
13 on the Property, and entered the house. After a few moments, the individual left the Property.
14 As officers continued their investigation, they observed Frederick Jones ("Jones") approach the
15 Property and enter the house on the Property. Jones remained inside the house briefly before
16 leaving the location and walking onto Wadsworth Avenue. Jones looked down at the palm of
17 his right hand, placed his right hand into his right pants pocket and then removed his hand
18 from the pocket. Officers contacted Jones and recovered cocaine base from his right pants
19 pocket. Jones was placed into custody for possession of cocaine base, a violation of Health
20 and Safety Code section 11350(a).

21 33. On January 19, 2015, Southeast LAPD NED officers conducted a controlled
22 narcotics buy utilizing a non-confidential informant ("NCI").² As the NCI walked towards the
23 Property, a woman approached the NCI and agreed to take the NCI inside to make a purchase
24 of ten dollars of rock cocaine. The NCI handed the woman ten dollars as the two walked onto

26 27 28 2 Informants for Southeast LAPD NED are screened, vetted and paid for each controlled narcotics
purchase they obtain. Any narcotics purchases with which they are involved are recorded electronically
(audio and video). Informants are under constant surveillance by LAPD officers during these narcotics
transactions.

1 the Property. When the woman knocked on the side door on the east side of the house, an
2 older male opened the door and allowed the woman and the NCI to enter the house. Once
3 inside, the woman negotiated the purchase of rock cocaine with a Black male with a goatee,
4 later identified as Jerome Dean (“Dean”). After the woman and Dean exchanged money for
5 the rock cocaine, she and the NCI left the house. As they were leaving, the woman gave the
6 rock cocaine to the NCI and walked away.

7 34. On **January 20, 2015**, Southeast LAPD NED conducted another controlled
8 narcotics buy utilizing the NCI. As the NCI walked towards the Property, s/he met Jesse
9 Pipken (“Pipken”). The two walked inside the house on the Property where the NCI purchased
10 rock cocaine from Pipken. Immediately after the purchase was made, the NCI left the Property
11 holding a clear plastic bag containing rock cocaine.

12 35. About an hour later, on **January 20, 2015**, Southeast LAPD NED officers, in
13 possession of a signed search warrant, approached the Property. As they neared the door,
14 officers heard a voice from inside the house yell, “Police!” Officers announced their presence,
15 stated loudly that they had a search warrant and ordered the door be opened. Through a
16 security screen door, officers observed that the front door of the house was open and saw
17 people running inside the house. The security door was unlocked, and officers made entry into
18 the house. Dale Hearn (“Hearn”) ran from the kitchen down the hallway to a bathroom at the
19 south end of the house while holding numerous solids of rock cocaine in his cupped hands. As
20 officers tried to stop Hearn, E. McDaniel (“McDaniel”) stepped out of a second bathroom and
21 into the hallway, blocking the officers’ path. McDaniel was ordered to the ground as officers
22 continued to follow Hearn. Hearn flushed the rock cocaine down the toilet. As they continued
23 their investigation, officers found Defendant DAVIS, K. Adams, C. Scott, A. Johnson, M. Jones,
24 G. Gwyn, and D. Holbart inside the house. A. Baxtron was found inside the detached shed
25 immediately behind the house. Pipken, who an hour earlier had sold rock cocaine to the NCI,
26 was found in the front yard of the Property next to a trash can. Pipken and Hearn were taken
27 into custody and placed under arrest for sales of rock cocaine, a violation of Health and Safety
28 Code section 11352. During their search, officers recovered a vehicle registration card in

1 Hearn's name next to a piece of rock cocaine from the northeast bedroom, seven one dollar
2 bills from the northeast bedroom, a white plate with two razor blades with cocaine base residue
3 on them from the kitchen, a piece of rock cocaine from Pipken's right pants pocket, nine dollars
4 in small denominations from the outdoor trash can next to where Pipken had stood, and two
5 ten dollars bills, one five dollar bill and 20 one dollar bills from Hearn's right pants pocket.

6 36. On January 27, 2015, despite the search warrant investigation and arrests made
7 on January 20, 2015, Southeast LAPD NED officers again received community complaints of
8 continued narcotics activity at the Property. In response, officers monitored the Property,
9 observing Orlando Fullylove ("Fullylove") approach the Property and enter it from the open
10 pedestrian gate. He walked across the yard and went to the side door on the east side of the
11 house. Fullylove entered the house, remained for a couple of minutes and left the Property.
12 As Fullylove walked on Wadsworth Avenue, he looked down at his left hand, then put his hand
13 inside his left jacket pocket as if he were depositing something inside the pocket, and then
14 pulled out his left hand. He continued walking with his left hand open. Officers contacted
15 Fullylove and recovered a piece of rock cocaine from his left jacket pocket. He was placed
16 under arrest for possession of rock cocaine, a violation of Health and Safety Code section
17 11350(a).

18 37. On February 2, 2015, as Southeast LAPD NED officers monitored the Property,
19 Jerome Dean ("Dean") drove up in a black Audi and parked directly across the street from the
20 Property. Officers observed Dean get out of his vehicle, walk towards the Property and enter
21 the house. Dean remained inside the house for approximately five minutes, then left. While
22 he walked across the street to his vehicle, Dean was observed carrying a folded stack of U.S.
23 currency and a cell phone in his right hand. Officers contacted Dean and, based on the
24 January 19, 2015 investigation, placed him under arrest for sale of rock cocaine, a violation of
25 Health and Safety Code section 11352. Officers also recovered \$153 from Dean's right hand
26 in various denominations, and \$130 from his wallet in various denominations. Dean is an
27 admitted and documented member of the "89 Family Swan Bloods" criminal street gang, and is
28 known by the moniker "Rome Dog." Dean has an "8" tattooed on his right cheek, a "9" tattooed

1 on his left cheek, and "Eastside" tattooed on his right forearm.

2 38. On February 17, 2015, in response to continued community complaints of
3 narcotics activity occurring at the Property, Southeast LAPD NED officers monitored the
4 Property. Officers observed Song Tate whom they knew from prior contacts to be a rock
5 cocaine user. Tate approached the Property and entered the house, remaining briefly inside
6 before she left. As Tate walked on 87th Street towards the alley, officers contacted her. Tate
7 held a plate of food with both hands and a napkin in her left hand. While officers spoke with
8 Tate, she dropped her napkin. One of the officers picked up the napkin, finding a small plastic
9 bindle containing rock cocaine in it. Officers placed Tate under arrest for possession of rock
10 cocaine, a violation of Health and Safety Code section 11350(a).

11 39. Plaintiff is informed and believes and thereon alleges that Defendants BROWN-
12 SIEMU, DAVIS, and DOES 1 through 50, are responsible for conducting, maintaining, and/or
13 directly or indirectly permitting the nuisance that currently exists at the Property. The Property
14 was used, and is being used, from an exact date unknown but at least since January of 2015,
15 for the purposes of unlawfully selling, serving, storing, keeping, manufacturing or giving away
16 controlled substances.

17 40. Defendants BROWN-SIEMU, DAVIS, and DOES 1 through 50, and each of
18 them, are the owners, operators, lessors, or lessees of the fixtures and appurtenances
19 contained within the Property and said fixtures and appurtenances were used, and are
20 presently being used, directly or indirectly, by Defendants BROWN-SIEMU, DAVIS, and DOES
21 1 through 50 in conducting, maintaining and/or permitting the use of the Property, including its
22 grounds, buildings and premises, for narcotics activity.

23 41. Unless Defendants BROWN-SIEMU, DAVIS, and DOES 1 through 50 are
24 restrained by the order of this Court, they will continue to use, occupy and maintain, and to aid
25 and abet the use, occupation and maintenance of the Property, together with the fixtures and
26 moveable property located therein, for the purposes herein complained of, and they will
27 continue to allow, conduct, maintain, permit and encourage the maintenance and continuance
28 of said nuisance on the Property to the irreparable damage of the Plaintiff and in violation of

1 California law.

2 42. Plaintiff has no plain, speedy, or adequate remedy at law, and injunctive relief is
3 expressly authorized in sections 11570-11587 of the California Health and Safety Code.

4 **VII. SECOND CAUSE OF ACTION FOR PUBLIC NUISANCE**

5 **[Civil Code section 3479, et seq.]**

6 **Against All Defendants and DOES 1 through 50]**

7 43. Plaintiff incorporates by reference paragraphs 1 through 42 of this Complaint and
8 make them part of the Second Cause of Action as though fully set out herein.

9 44. Since at least January of 2013, Defendants BROWN-SIEMU, DAVIS, and DOES
10 1 through 50 have operated, occupied, used and/or permitted to be occupied and used the
11 Property in such a manner as to constitute a public nuisance in violation of Civil Code sections
12 3479 and 3480. The public nuisance, which exists up to the present time, consists of, but is
13 not limited to, the incessant illegal narcotics sales, storage, and/or distribution that occurs at
14 the Property; the constant procession of and presence of narcotics buyers and sellers loitering
15 and engaging in the sale and purchase of narcotics at the Property; the threatening presence
16 of resident and non-resident gang members on the Property, as well as the presence of
17 firearms and ammunition at the Property, and the overall haven the Property presents itself to
18 those absconding from the law. Said public nuisance, described herein, is injurious to health,
19 indecent or offensive to the senses and/or an obstruction to the free use of property, so as to
20 substantially and unreasonably interfere with the comfortable enjoyment of life or property by
21 those persons living in the surrounding community. The following is a summary of this activity
22 not elsewhere listed in this Complaint:

23 45. On January 30, 2013, LAPD officers went to the Property to serve a search
24 warrant.³ While at the Property, officers observed Tarrence Smith ("Smith") and T. Moore

26 3 The search warrant authorized officers to search two residential locations, 5201 Ruthelen Street, Los
27 Angeles, California 90062 and the Property. Both locations were connected to Smith and were
28 identified as places where narcotics were being sold to a high traffic of individuals. Underlying the
search warrant was evidence that narcotics were being sold at the Ruthelen location and that Smith
was the supplier of cocaine base to the Ruthelen location, and that Smith lived at the Property.

1 ("Moore") leaving the house on the Property. Smith used keys to lock the front door of the
2 house and walked to a silver vehicle. Smith entered the vehicle from the driver's side while
3 Moore entered through the passenger side. As they drove away, officers followed Smith and
4 conducted a traffic stop, contacting Smith and obtaining his house keys. Officers proceeded
5 back to the Property and announced their presence. When they did not get a response,
6 officers entered the house using Smith's house keys. Upon entry into the house, J. Menson
7 ("Menson") was observed coming out of the east back bedroom. Menson was placed into
8 custody. As officers continued their search, they observed Paul Fry ("Fry") lying on the floor of
9 a detached bedroom adjacent to a sliding glass door. Next to Fry was a blue steel .22 caliber
10 revolver. With the revolver in his hand, Fry began to run out the back door of the detached
11 bedroom, but stopped and dropped the revolver when he saw an officer at the back door. Fry
12 was placed into custody. Officers recovered the blue steel Ruger revolver and four live
13 ammunition rounds from inside the revolver. From the back bedroom located on the eastside
14 of the residence, officers also recovered a blue steel Benelli pump action 12 gauge shotgun
15 that contained two live slug rounds in it, as well as ammunition and a revolver cylinder. From
16 another bedroom, officers recovered ammunition, Smith's work identification, and other
17 documents in Smith's name. Officers placed Smith under arrest for felon in possession of
18 ammunition, a violation of Penal Code section 30305(a)(1). Fry, who has a "B" tattooed on his
19 right arm, was also placed under arrest for felon in possession of a firearm, a violation of Penal
20 Code section 29800(a)(1). Smith is a Blood gang member and Fry is a Bounty Hunter gang
21 member. While in custody, Fry stated that he had heard LAPD announce their presence and
22 tried to get the revolver out of the house. He added that he dropped the gun because he saw
23 an officer in the back of the Property. Fry explained that he had purchased the shotgun four or
24 five years ago. During their investigation, officers discovered both the recovered revolver and
25 shotgun were reported as stolen firearms.

26 **46.** On March 5, 2015, LAPD officers assigned to the Gang and Narcotic
27 Division/Fugitive Task Force located Yusef Lateef Johnson ("Johnson"), Rodney Kentrell Holt
28 ("Holt"), and Sonia Cole ("Cole") at the Property. Johnson is a narcotics offender and a

1 member of the 89 Swan Bloods, known by his moniker "Lil Timebomb." Johnson was placed
2 under arrest for an outstanding felony warrant. Holt is also a member of the 89 Swan Bloods,
3 known by the moniker "Bucko." He was placed under arrest for an outstanding felony warrant.
4 Cole was placed under arrest for an outstanding misdemeanor warrant.

5 47. Defendants BROWN-SIEMU, DAVIS, and DOES 1 through 50, in owning,
6 conducting, maintaining, and/or permitting the use of the Property as a public nuisance, have
7 engaged in wrongful conduct and caused a serious threat to the general health, safety and
8 welfare of the persons in the area surrounding the Property.

9 48. Unless Defendants BROWN-SIEMU, DAVIS, and DOES 1 through 50, are
10 restrained and enjoined by order of this Court, they will continue to use, occupy and maintain,
11 and to aid and abet the use, occupation, and maintenance of the Property, together with the
12 fixtures and appurtenances located therein, for the purpose complained of herein, to the great
13 and irreparable damage of Plaintiff and in violation of California law.

14 **PRAYER**

15 WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE AND
16 DECREE AS FOLLOWS:

17 **FIRST CAUSE OF ACTION (NARCOTICS NUISANCE)**

18 **AS TO ALL DEFENDANTS and DOES 1 through 50:**

19 1. That Defendants and the Property, including all buildings and structures thereon,
20 be declared in violation of Health and Safety Code section 11570, et seq.

21 2. That the Property, together with the fixtures and moveable property therein and
22 thereon, constitutes a public nuisance and be permanently abated as such in accordance with
23 Section 11581 of the California Health and Safety Code.

24 3. That the Court grant a preliminary injunction, permanent injunction and order of
25 abatement in accordance with Section 11570, et. seq., of the California Health and Safety
26 Code, enjoining and restraining Defendants and their agents, officers, employees and anyone
27 acting on their behalf, from owning, maintaining, operating or occupying the Property for the
28 purposes of unlawfully selling, serving, manufacturing, storing, keeping, or giving away

1 controlled substances, and from permitting any unlawful selling, storing, serving, keeping,
2 manufacturing, or giving away of controlled substances on the Property.

3 4. That the court issue such orders in accordance with Health and Safety Code
4 section 11573.5 to remedy the nuisance on the Property and enhance the abatement process,
5 including, but not limited to, physical and managerial improvements to the Property, a
6 prohibition on Defendant DAVIS's presence at any time for any reason, and strict limitations on
7 who else may be present on the Property at all times.

8 5. That the court order Defendants BROWN-SIEMU and DAVIS, to provide any
9 recorded deed identifying the true owner of the Property. If such recorded deeds are not
10 turned over to Plaintiff, or if there is no document regarding successor owners, that the court
11 either order a one year closure of the Property or order Defendants to initiate probate
12 proceedings for the Property and diligently pursue the probate to its conclusion, unless
13 Defendants can demonstrate to the court that s/he is not an heir of McWilliams.

14 6. That Defendant BROWN-SIEMU be ordered to reside in the Property until the
15 nuisance is abated, pursuant to Health and Safety Code section 113573.5(f)(1)H).

16 7. That as part of the Judgment, an Order of Abatement be issued, and that the
17 Property be closed for a period of one year, not to be used for any purpose, and be under the
18 control and custody of this Court for said period of time, pursuant to Health and Safety Code
19 section 11581(b)(1). Or, in the alternative, and only upon a judicial finding that closure is
20 harmful to the community, that Defendants pay damages in an amount equal to the fair market
21 rental value of the Property for one year to the City or County in whose jurisdiction the
22 nuisance is located in accordance with Health and Safety Code section 11581 subdivision
23 (c)(1).

24 8. That the Court grant a temporary restraining order, preliminary, and/or
25 permanent injunction requiring any members or associates of the Swan Bloods gang to move
26 out of the Property and be prohibited from returning to the Property, and be required to stay
27 1,000 feet away from the Property.

28 9. That Defendants each, individually, be assessed a civil penalty in an amount not

1 to exceed twenty-five thousand dollars (\$25,000.00).

2 10. That all fixtures and moveable property used in conducting, maintaining, aiding or
3 abetting the nuisance at the Property be removed by the LAPD and sold in the manner
4 provided for the sale of chattels under execution. Said fixtures and property shall be
5 inventoried and a list prepared and filed with this Court.

6 11. That there shall be excepted from said sale, such property to which title is
7 established in some third party not a defendant, nor agent, officer, employee or servant of any
8 defendant in this proceeding.

9 12. That the proceeds from said sale be deposited with this Court. The proceeds of
10 the sale of the movable property shall be applied as follows: First, to the fees and costs of the
11 removal and sale; second, to the allowances and costs of closing and keeping closed the
12 Property; third, to the payment of the Plaintiff's costs in the action; fourth, such other costs as
13 the Court may deem proper, and; fifth, the balance, if any, to the owner of the Property.

14 13. If the proceeds of the sale do not fully discharge all such costs, fees, and
15 allowances, the Property shall also be sold under execution, issued upon the order of the
16 Court or judge, and the proceeds of such sale shall be applied in a like manner.

17 14. Any excess monies remaining after payment of approved costs shall
18 be delivered to the owner of said Property. Ownership shall be established to the
19 satisfaction of this Court.

20 15. That Plaintiff recover the costs of this action, including law enforcement
21 investigative costs and any fees, including attorneys' fees, authorized by law, in an amount
22 not to exceed \$1,000,000.00.

23 16. That Plaintiff recover the amount of the filing fees and the amount of the fee for
24 the service of process or notices which would have been paid but for Government Code
25 section 6103.5, designating it as such not to exceed \$500,000.00. The fees may, at the
26 Court's discretion, include the amount of the fees for certifying and preparing transcripts.

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17. That pursuant to Health and Safety Code section 11575, this action has precedence over all other actions, except criminal proceedings, election contests, hearings on injunctions, and actions to forfeit vehicles under the narcotics abatement statutes.

18. That Plaintiff be granted such other and further relief as the Court deems just and proper.

SECOND CAUSE OF ACTION (PUBLIC NUISANCE)

AS TO DEFENDANTS and DOES 1 through 50:

1. That the Property, together with the fixtures and moveable property therein and thereon, constitutes a public nuisance and be permanently abated as such in accordance with Civil Code section 3491.

2. That Defendants BROWN-SIEMU, DAVIS, and DOES 1 through 50 and their agents, officers, employees and anyone acting on their behalf, and their heirs and assignees, be preliminarily and perpetually enjoined from operating, conducting, using, occupying, or in any way permitting the use of the Property as a public nuisance. Such orders should include, but not be limited to physical and managerial improvements to the Property, stay-away orders for Defendant DAVIS and other persons who have contributed to the nuisance at the Property, and such other orders as are appropriate to remedy the nuisance on the Property and enhance the abatement process.

3. Such costs as may occur in abating said nuisance at the Property and such other costs as the Court shall deem just and proper.

4. That Plaintiff be granted such other and further relief as the Court deems just and proper, including closure and/or demolition of the Property.

5. That Plaintiff be granted such other and further relief as the Court deems just and proper, including closure and/or demolition of the Property.

ALL CAUSES OF ACTION

AS TO DEFENDANTS and DOES 1 through 50:

1. That Plaintiff recover the amount of the filing fees and the amount of the fee for the service of process or notices which would have been paid but for Government Code

1 section 6103.5, designating it as such not to exceed \$50,000.00. The fees may, at the Court's
2 discretion, include the amount of the fees for certifying and preparing transcripts.

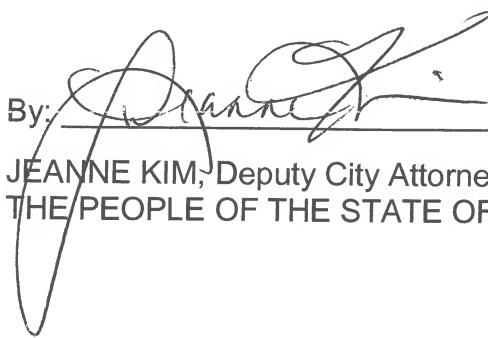
3 2. That Plaintiff be granted such other and further relief as the Court deems just and
4 proper.
5

6 Dated: April 9, 2015

Respectfully submitted,

7 MICHAEL N. FEUER, City Attorney

8 JONATHAN CRISTALL, Supervising Assistant City Attorney

9 By: 

10
11 JEANNE KIM, Deputy City Attorney, Attorneys for Plaintiff,
12 THE PEOPLE OF THE STATE OF CALIFORNIA
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